

ARIZONA PROSECUTING ATTORNEYS' ADVISORY COUNCIL
MINUTES

May 17, 2013

The meeting of the Arizona Prosecuting Attorneys' Advisory Council was called to order by the Chair, Sheila Polk, on Friday, May 17, 2013, at 10:00 a.m., at the APAAC Office which is located at 1951 W. Camelback Road, Suite 202, in Phoenix, Arizona.

COUNCIL MEMBERS PRESENT

Sheila Polk	APAAC Chair, Yavapai County Attorney
Jon Smith	APAAC Vice-Chair, Yuma County Attorney (telephonic)
Brad Carlyon	Navajo County Attorney
Jon Eliason	Mesa City Prosecutor
Baird Greene	Tucson City Prosecutor (telephonic)
Tom Horne	Arizona Attorney General
Barbara LaWall	Pima County Attorney (telephonic)
Derek Rapier	Greenlee County Attorney
Ed Rheinheimer	Cochise County Attorney (telephonic)
Tony Rogers	La Paz County Attorney
Lando Voyles	Pinal County Attorney
Tobin Sidles	Oro Valley Town Prosecutor (telephonic)
Matt Smith	Mohave County Attorney (telephonic)

COUNCIL MEMBERS PRESENT BY PROXY

David Rozema	Coconino County Attorney Proxy Sheila Polk
Bill Montgomery	Maricopa County Attorney Proxy Mark Faull
Dave Byers	AZ Supreme Court Proxy Jerry Landau
Aaron Carreon-Ainsa	Phoenix City Prosecutor Proxy Jessica Breedlove
George Silva	Santa Cruz County Attorney Proxy Liliana Ortega

STAFF PRESENT

Elizabeth Ortiz	Executive Director
Kim MacEachern	Staff Attorney
Denise Helm	Executive Assistant
Diana Cooney	Legal Secretary II

VISITORS

Kathleen Mayer	Pima Deputy County Attorney (telephonic)
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CONSENT AGENDA

Mr. Derek Rapier made a motion, seconded by Mr. Lando Voyles, to approve the consent Agenda. Motion carried.

CHAIR'S REPORT

Ms. Sheila Polk updated the Council on HB2327 which addresses synthetic drugs at the state level.

EXECUTIVE DIRECTOR'S REPORT

Ms. Elizabeth Ortiz reported that APAAC's Child Abuse Working Group's second meeting was held on May 13, 2013. Featured at that meeting was Phoenix Police Detective Greg McKay, who is leading the Office of Child Welfare Investigations.

Ms. Ortiz debriefed the Council on the April 23, 2013, National Crime Victim Rights Week Award Luncheon, co-sponsored by APAAC, the Arizona Attorney General's office, and the Maricopa County Attorney's Office, in addition to several other state agencies.

APAAC's Summer Conference awards will be voted on at the Council meeting on June 19, 2013. Ms. Ortiz emphasized the importance for Council members to be involved and engaged in the process on behalf of their respective nominees.

Ms. Ortiz reported on her visit to the La Paz County Attorney's Office on April 22, 2013.

Ms. Ortiz informed the Council that she has been appointed the co-Chair of the State Bar's CLE Committee, giving APAAC heightened visibility on behalf of the prosecution community

Regarding the recent amicus briefs filed by APAAC: The matter of *State v. Cooperman* is set for oral argument before the Arizona Supreme Court on May 21, 2013 (a mock oral argument was held at APAAC on May 15, 2013); and, *State v. Okun*, is pending review before the Arizona Supreme Court.

STAFF ATTORNEY'S REPORT

Ms. Kim MacEachern reported that the first meeting of the Public Education Working Group was held on May 7, 2013. The group developed a list of four focus areas and identified leads for amassing the materials for Council input: medical marijuana Ms. MacEachern; RICO matters, Mr. Brad Carlyon; Juvenile Justice, Ms. Amelia Cramer; Innocence Project/implications of overturned convictions, Mr. Tobin Sidles. Requests were sent to the Council offices from the group to assist in assembling a comprehensive statewide media list and linking to all prosecutor related social media in each of the jurisdictions. Council members are urged to cultivate relationships with local media whom they consider to be fair

reporters of the facts. Council members were encouraged to have a presence on Facebook, Twitter, etc. and to send APAAC relevant photos and news media links for posting on our website.

Ms. MacEachern offered two recent newspaper articles that illustrate the public policy challenges with medical marijuana on the one hand and dealing with addiction on the other. This is an area that APAAC can consider how to address the public conversation via the “new media.”

Mr. Brad Carlyon suggested APAAC commit resources to promote its presence on Facebook and Twitter in an effort to increase its base of followers and be more effective. The Council should take a position on policy issues to allow quick responses to issues going viral via social media. Ms. MacEachern noted that Ms. Amelia Cramer has contacted Rick DeBruhl of the State Bar regarding a presentation on social media and public relations at the Summer Conference if the Council should so desire.

Ms. MacEachern announced that the Problem Solving Court Conference held on May 13-15, 2013, in Prescott, Arizona, was very successful with 380 in attendance.

A recent Arizona poll by the American Friends Service Committee (Quakers) reported that people want to see public funds spent on education, healthcare, roads and a small amount to prisons. Ms. MacEachern was present at the follow-up press conference, with an APAAC press release that was immediately released to our statewide media list to respond to the poll with the data from Prisoners in Arizona. Mr. Montgomery suggested that, based on the public's response, APAAC should consider updating its Prisoners In Arizona Report.

APAAC FINANCE COMMITTEE REPORT

Mr. Rapier, Chair of the Finance Committee, provided a synopsis of the current financial reports offered for the Council's consideration and review.

Mr. Mark Faull made a motion, seconded by Mr. Eliason, to approve the Financial Report and Financial Statement for March and April 2013. Discussion ensued. Motion carried.

Ms. Ortiz presented a PowerPoint of the proposed APAAC budget for fiscal year 2013-14, based on seminar priority recommendations from the Training Committee, and providing various funding options related to different levels of reimbursements to attendees. A 10% contingency fund was also recommended for 2013-14.

Mr. Voyles made a motion, seconded by Mr. Eliason, to approve the proposed budget incorporating priority seminar groups A & B at Option 3 (full reimbursement), and to further provide APAAC's Executive Director full discretion to bring in additional seminars from the priority seminar group C, as additional funding or increased revenue is available to APAAC. Discussion ensued. Motion carried.

RULES COMMITTEE REPORT

Ms. Liliana Ortega presented draft comments penned by the Rules Committee pursuant to the Council directives from the prior meeting. Items A, B, C, E, G and H were considered as a group.

Ms. Ortega made a motion, seconded by Mr. Rapier, that the Council adopt the comments while giving Ms. Polk, as Chair and signatory, the authority to make any final edits that she determined were applicable. Motion carried.

Ms. Ortega withdrew Items F and J from the Agenda, as the Rules Committee recommended no comment was needed on them.

Discussion ensued concerning Item D, culminating in a motion to amend the comment from regarding a 12-month period to file post-conviction relief from the 18-month period proposed. Rather than a time frame it was suggested that the amendment should simply object to the change as no amendment is appropriate in light of the fact that, if good cause is shown, the current 120-day limit may be extended by a judge. This considers the victims who, after enduring a lengthy trial of possibly several years, are astonished that it would take so long to ascertain post-conviction relief issues.

Ms. Polk made a motion, seconded by Mr. Faull, that the comment language be changed to conform to this position. Motion carried.

Ms. Ortega addressed Item I, noting that an amended petition was filed regarding the use of recording devices in the courtroom that, for the most part, addressed our concerns regarding notification of victims; however, the current proposal leaves a gap regarding those victims without an advocate or counsel who are not being called as a witness. Ms. Ortega made a motion, seconded by Mr. Rapier, that the Rules Committee draft a comment and work with Ms. Polk to file by the deadline (which occurs before the next Council meeting). Motion carried.

TRAINING COMMITTEE REPORT

Mr. Sidles referred the Council to the agenda attachment that reflects past seminars and their attendance numbers, along with upcoming APAAC seminars scheduled in June.

LEGISLATIVE POLICY COMMITTEE REPORT

Ms. MacEachern informed the Council of a proposal in the state budget which would require APAAC to contribute \$9600 next fiscal year to fund the remake of the state finance system AFIS.

Ms. MacEachern updated the Council on SB1178, which is the religious protection bill. It has passed the House and is headed back to the Senate for a final vote.

CALL TO THE PUBLIC

Mr. Carlyon stated that the National Association of Counties (NACo) announced they are accepting names of individuals wanting to serve on their committees. Anyone interested can contact Ms. Nicole Stickler at the Arizona Association of Counties (AACo). NACo's Western Interstate Region Conference will be held in Flagstaff, Arizona, on May 22-24, 2013.

Mr. Faull advised Council members to look for a letter sent from the law enforcement liaison for the Maricopa County Attorney's Office providing resources on how to address potential legal action being filed by incarcerated individuals and targeting government officials.

NEXT COUNCIL MEETING

Ms. Polk announced that the next Council meeting will be held on Wednesday, June 19, 2013, at 10:00 a.m. in the APAAC office.

ADJOURNMENT

Ms. Polk declared the meeting adjourned at 12:20 p.m.